



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Rhode Island State Labor Relations Board

Building 73
1511 Pontiac Avenue
Cranston, Rhode Island 02920-4407

OPEN MINUTES BOARD MEETING

TIME: 9:00 a.m.
DATE: Thursday, August 26, 2004
PLACE: 1511 Pontiac Ave., Building #73, 3rd Floor, Cranston, RI 02920

BOARD MEMBERS IN ATTENDANCE: Walter J. Lanni, Chairman
Frank J. Montanaro
Joseph V. Mulvey
John R. Capobianco
Elizabeth S. Dolan

BOARD MEMBERS ABSENT: Gerald S. Goldstein
Ellen L. Jordan

OTHERS PRESENT: Robyn H. Golden, Acting Administrator
Linda L. Esposito, Secretary

OTHERS ABSENT: Margaret Hogan, Esquire

Chairman Lanni called the meeting to order in Open Session at 9:00 a.m.

All members present reviewed the Open Minutes of the June 23, 2004 Board Meeting. A Motion was made by Joseph Mulvey and seconded by Frank Montanaro to accept the Open Minutes as written, and it was unanimously

VOTED: by all Board Members present to accept the minutes as written.

The meeting continued in open session:

ELECTION PETITIONS:

- 1 Case No. EE-3674
Town of Exeter & RI Laborers' District Council
CONTESTED POSITIONS: Tax Collector and Deputy Town Clerk

After review of the Investigator's report, as well as the parties' responses to the report, a Motion was made by Frank Montanaro and seconded by Joseph Mulvey to proceed to formal hearing on this matter. After discussion, all Board members present voted in favor of the Motion.

- 2 Case No. EE-3675
RI Family Court & AFSCME

Frank Montanaro abstained from voting in this matter.

After review of the Investigator's report, as well as the parties' responses to the report, a Motion was made by Elizabeth Dolan and seconded by Joseph Mulvey to proceed to formal hearing in this matter. After discussion, all participating Board Members voted in favor of the Motion.

3. Case No. EE-3678
Town of Westerly & NEARI

After review of the informal notes, a Motion was made by Joseph Mulvey and seconded by John Capobianco to proceed to formal hearing in this matter. After discussion, all Board Members present voted in favor of the Motion.

UNIT CLARIFICATIONS:

- 1 Case No. EE-1714
Administration & AFSCME
UNIT CLARIFICATION: Executive Secretary-State Properties Committee

Walter Lanni recused himself from participation in this matter.

After discussion, a Motion was made by John Capobianco and seconded by Elizabeth Dolan to table this matter until the next Board Meeting. All participating Board Members present voted in favor of the Motion.

CASES CONCLUDED:

- 1 Case No. ULP-5578
Tiverton School & AFSCME

This case was heard formally by Walter Lanni, Joseph Mulvey, John Capobianco, Elizabeth Dolan, and Gerald Goldstein. Frank Montanaro and Ellen Jordan reviewed the transcript and briefs submitted by the parties.

After review, a Motion was made by Joseph Mulvey and seconded by Frank Montanaro to uphold the charge filed, and find that an Unfair Labor Practice has been committed by the Employer. After discussion, all Board Members present voted in favor of the Motion.

DRAFTED DECISIONS:

- 1 Case No. EE-1707A/3167
Providence School Board & AFSCME

A Motion was made by Frank Montanaro and seconded by John Capobianco to table this matter until the next Board Meeting as the drafted Decision was not available. All Board Members present voted in favor of the Motion.

2. Case No. ULP-5506
Bristol/Warren School Department & NEA

A Motion was made by Frank Montanaro and seconded by John Capobianco to table this matter until the next Board Meeting as the drafted Decision was not available. All Board Members present voted in favor of the Motion.

3. Case No. ULP-5610
Town of Narragansett & IBPO

After discussion, a Motion was made by John Capobianco and seconded by Joseph Mulvey to allow this matter to pass as it has been withdrawn. All Board Members present voted in favor of the Motion.

4. Case No. ULP-5657
Department of Corrections & RIBCO

A Motion was made by Frank Montanaro and seconded by John Capobianco to table this matter until the next Board Meeting as the drafted Decision was not available. All Board Members present voted in favor of the Motion.

- 5 Case No. ULP-5665
Providence & Laborers

A Motion was made by Frank Montanaro and seconded by John Capobianco to table this matter until the next Board Meeting as the drafted Decision was not available. All Board Members present voted in favor of the Motion.

- 6 Case No. ULP-5673
Coventry Fire District & IAFF

A Motion was made by Frank Montanaro and seconded by John Capobianco to table this matter until the next Board Meeting as the drafted Decision was not available. All Board Members present voted in favor of the Motion.

STATUS LETTERS

- 1 Case No. ULP-5560/5567
Department of Corrections & RIBCO & RIBCO

After discussion, a Motion was made by Elizabeth Dolan and seconded by Joseph Mulvey to table this matter until the next Board Meeting. All Board Members present voted in favor of the Motion.

- 2 Case No. ULP-5025
Newport School & Teachers' Association of Newport

In response to a thirty (30) day notice requesting the status of the above matter, the parties responded by stating that the matter was moot; therefore, a Motion was made by Joseph Mulvey and seconded by John Capobianco to dismiss this case and close the file. All Board Members present voted in favor of the Motion.

MISCELLANEOUS MATTERS:

Case No. ULP-5688
MHRH & AFSCME
(Attorney Cobleigh's request for Clarification)

After review of Attorney Cobleigh's request for clarification for the basis of Board's determination in this matter, a Motion was made by Frank Montanaro and seconded by Elizabeth Dolan to dismiss the request from Attorney Cobleigh and notify him in writing, that the Board's decision in this matter is final and binding and the Board's decision is re-affirmed. After discussion, all Board Members present voted in favor of the Motion.

Elizabeth Dolan made a Motion for the Board to go into Closed Session for the purpose of reviewing Unfair Labor Practice Charges and Miscellaneous Matters and the minutes to be closed, pursuant to 42-46-5(a)(2)(4) of the Open Meetings Law. It was seconded by Frank Montanaro, and it was unanimously

VOTED: for the meeting to go into closed session and to close the minutes.

The meeting and minutes were closed at 9:25 a.m.

The meeting resumed in open session at 9:50 a.m. for the purposes of reading into the minutes the determinations made by the Board in Closed Session.

UNFAIR LABOR PRACTICES:

- 1 Case No. ULP-5649
Town of New Shoreham/New Shoreham Sewer Commission & New Shoreham Employees Association

DETERMINATION: issue a Complaint and proceed to formal hearing.

2. Case No. ULP-5705
West Warwick & IAFF

Frank Montanaro recused himself from participation in this matter.

DETERMINATION: issue a Complaint and proceed to formal hearing

A Motion to adjourn was made by Joseph Mulvey, and it was seconded by Frank Montanaro, and it was unanimously,

VOTED: to adjourn the meeting at 9:55 a.m.